

REMARKS

The Examiner has stated that claims 1, 4, 5, 6, 10, 18-20, 22-27, 36, 37, 42 and 43 are rejected under 35 U.S.C. §102(b) as anticipated by Beutel, et al. US 2004/0040287 A1. The Examiner has also rejected claims 32, 35, 38, and 39 under 35 U.S.C. §103(a) as obvious in view of Beutell, et al. in combination with equivalents within the level of ordinary skill in the art.

Applicants have canceled claims 1, 10, 18, 22-27, 32 and 36 without prejudice. The pending claims are: amended claims 2-7, 12, 13, 15-17, 19-21, 28-31, 33-35, 37-44 and original claims: 8, 9, 11, and 14.

The Examiner has objected to claim 2, but stated that it would be allowable if rewritten in independent form including limitations of the base claim and any intervening claims. Applicants have rewritten claim 2 as recommended by the Examiner, except that, Applicants have rearranged the claim to be more readable and have removed the explicit recitation of the limitation of "determining temperature in the exhaust aftertreatment device when the first group of cylinders is operating at said first operating condition." In place of that limitation, Applicants have stated: "when a temperature in the exhaust aftertreatment device exceeds a threshold temperature when the first group of cylinders is operating at said first operating condition." Applicants submit that claim 2 is now in allowable form and seek such allowance. Applicants submit that claims 5 and 6, which depend from claim 2 are also now allowable.

Applicants have amended claim 4 to include the limitations of claim 1, from which it depended as initially entered. Additionally, Applicants have rearranged the claim to be more readable and have removed the explicit recitation of the limitation of "determining temperature in the exhaust aftertreatment device when the first group of cylinders is operating at said first operating condition." Furthermore, Applicants have added the limitation: "wherein said exhaust aftertreatment device is a lean NOx catalyst and said fuel injected during said expansion stroke is supplied to said lean NOx catalyst." Applicants submit that Beutel, et al. do not show a lean NOx catalyst. Instead Beutel, et al. discuss only a "NOx adsorber catalyst," which in the nomenclature of Applicants is most nearly a lean NOx trap, i.e., an exhaust aftertreatment device which is formulated with materials to adsorb/absorb NOx. Because Applicants include the limitation "lean NOx catalyst," a device which traps substantially no NOx, Beutel, et al. cannot possibly anticipate Applicants' invention. Allowance of claim 4 is earnestly requested.

The Examiner objected to claim 7. Claim 7 has been rewritten including the limitations of claim 1, from which it depended as initially entered. Furthermore, the claim has been reworked to remove the explicit recitation of the limitation: "determining a quantity of reductant stored in said lean NOx catalyst." The claim contains: "said operating steps are performed when a quantity of reductant stored in said lean NOx catalyst is less than a predetermined quantity."

Applicants submit that claim 7 and claims 8 and 9, which depend there from, are now in allowable form.

Claims 11 and 14 were allowed by the Examiner. Furthermore, claims 12, 13, and 15-17 were allowed by the Examiner. However, Applicants have amended claims 12, 13, and 15-17 to more distinctly point out the subject matter that Applicants consider to be their invention.

The Examiner has objected to claim 21. Applicants have rewritten claim 21 to include all the limitations of claim 18 from which it depended as initially entered. Applicants request allowance on such amended claim 21 and claims 19 and 20 which have been amended to depend from claim 21.

The Examiner has objected to claim 28. Applicants have rewritten claim 28 to include all the limitations of claim 18 from which it depended as initially entered. Applicants request allowance on such amended claim 28 and claim 29 which has been amended to depend from claim 28 and has been amended to point out that maximum temperature is the upper operating temperature of claim 28.

The Examiner has allowed claim 30. However, Applicants have amended claim 30 to remove the 2nd occurrence of "and with the fuel delivery to the first group of cylinders being discontinued." Applicants request allowance of amended claim 30 since the limitations are the same as unamended claim 30, except the 2nd occurrence of the same limitation has been removed. Allowance of amended claim 31, which depends from claim 30, is also requested.

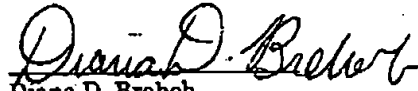
The Examiner has objected to claims 33-35, but states that they would be allowable if including all the limitations of the base claim and any intervening claims. Claims 33 and 34 have been rewritten to include all the limitations of claim 32, from which they depended as initially entered. Applicants note that the explicit recitation of the limitation "determining a driver demanded torque" has been removed from both claims 33 and 34. Applicants submit that claims 33 and 34 are now in allowable form and that amended claim 35, which now depends from claim 33, is also in allowable form.

The Examiner has objected to claim 40, but states that it would be allowable if it included all the limitations of the base claim and any intervening claims. Claim 40 has been rewritten to include all the limitations of claim 36, except for the word "determined." Applicants request allowance of claim 40 and for claims 38, 39, and 42-44 which, as amended, depend from claim 40.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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